

REMARKS

Claims 66-100 are pending in the captioned application.

In the outstanding Official Action, claims 66-100 are subjected to a restriction/species election.

I. Restriction Requirement

In the outstanding Official Action, the Examiner has required restriction of claims 66-100 to a single invention under 35 U.S.C. §§ 121 and 372. Claims 66-100 were subjected to a restriction requirement as follows:

- Group I: Claim(s) 66-77 and 81-91, drawn to an amino acid molecule comprising a peptide capable of binding to ManLAM binding antibodies.
- Group II: Claim(s) 78-80, drawn to a method for diagnosing a mycobacterial infection using an amino acid molecule comprising a peptide capable of binding to ManLAM binding antibodies.
- Group III: Claim(s) 92-100, drawn to a method of immunization against mycobacterial infection comprising providing an amino acid molecule comprising a peptide capable of binding to ManLAM-binding antibodies.

Further, claims 66-100 are subjected to various species election. The Examiner asserts that the alleged species are not so linked as to form a single general inventive concept under PCT Rule 13.1. Specifically, the Examiner asserts that the following species are structurally exclusive:

- (I) Peptide species: (a) SEQ ID NO: 1 (claims 76, 77, 90, 91, 99 and 100); (b) SEQ ID NO: 2 (claims 76, 90 and 99); (c) SEQ ID NO: 3 (claims 76, 90 and 99); (d) SEQ ID NO: 4 (claims 76, 90 and 99); and (e) SEQ ID NO: 5 (claims 76, 90 and 99).

(II) Non-binding antibody species: (A) CS35 anti-LAM antibodies; (B) 735 anti-poly α (2 \rightarrow 8) N-acetyl neuraminic acid mAb; and (C) 2H1 anti-glucuronoxylomannan mAb.

The Examiner has required that Applicants elect (1) a single peptide and (2) a single non-binding antibody.

II. Election

Applicants hereby provisionally elect ***claims 66-77 and 81-91 of Group I.***

Further, Applicants hereby provisionally elect the species as follows:

(I) ***SEQ ID NO: 1 as the peptide***, and

(II) ***2H1 anti-glucuronoxylomannan mAb as the antibody.***

Applicants submit that claims 66-77 and 81-91 encompass the elected subject matter.

Applicants note that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141. Applicants reserve the right to file a divisional application directed to the non-elected subject matter.

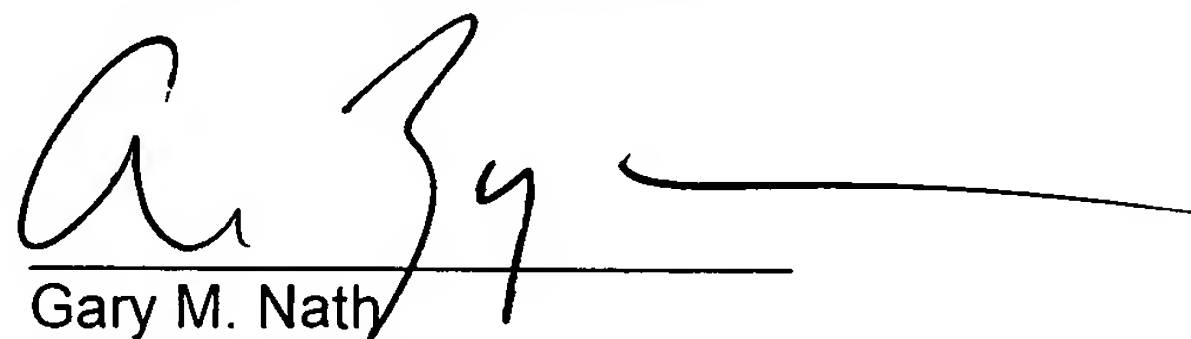
CONCLUSION

Having made the required elections, examination on the merits is earnestly solicited. Should the Examiner deem that any further action by Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

THE NATH LAW GROUP

A handwritten signature in black ink, appearing to read 'A. Nath', is written over a horizontal line.

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